REMARKS / ARGUMENTS

The office has required restriction of original Claims 1-29 into the following groups.

Group I: Claims 1-4, 23 and 27, drawn to a method of preparing monoclonal antibodies.

Group II: Claims 5-6, 20-21, 24-26 and 29, drawn to monoclonal antibodies and hybridomas secreting such.

Group III: Claims 7, 12-14 and 28, drawn to antigens.

Group IV: Claims 8-11, drawn to process of identifying an antigen binding a monoclonal antibody.

Group V: Claims 15-19, drawn to processes of using a monoclonal antibody in immunizing, diagnosing and targeting.

Group VI: Claim 22, drawn to a process of screening for an "active molecule" capable of reacting with an antigen.

Applicants elect, with traverse, Group I (Claims 1-4, 23 and 27) for further prosecution.

The Examiner has asserted that above groups I, II, III, IV, V, VI are unrelated, representing various combinations of products, processes of making the product, and processes of using the product, as noted in the present Office Action (pages 2-5). Thus, the Examiner required restriction among the above groups. The Examiner required a further election of species upon the election of one of Group II, III, IV, V or VI. Applicants respectfully traverse, based on the following reasons.

Applicants submit that the Office has not made a proper restriction. Restriction is only proper if the claims of the restricted groups are independent or patentably distinct. There also must be a serious burden on the Examiner if restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in

support of restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

The Examiner required restriction among the claims, as divided between Groups I – VI, as noted in the present Office Action. Claims 1-19, 22-23, 26-27 and 29, all contain a recital directed to the preparation of monoclonal antibodies, including the use of an eukaryotic cell in a first state and in a second state carrying a neo-antigen or a non-self antigen. Claims 20-21 and 24-25 are directed to hybridomas that produce antibody having the same epitope specificity as antibody produced by the hybridomas of the invention. Therefore, a search for the subject matter of any one of Groups I-VI would also encompass a search of the subject matter of the other groups. Thus, a search and examination of all the claims together would not impose a serious burden on the Examiner.

The Examiner required restriction among the product claims (Groups II, III), the "process of making the product" claims (Groups I, IV) and the "process of using the product" claims (Groups IV, V, VI). Applicants respectfully traverse, based on the following reasons. The Examiner has provided only generalizations in support of this restriction on pages 2-5 of the present Office Action. For example, the Examiner asserted that the monoclonal antibodies and hybridomas of the present invention are not structurally or qualitatively different from monoclonal antibodies and hydridomas obtained by a "classical process." However, the Examiner has not provided any reasons or examples regarding this "classical process," in terms of the experimental parameters and assay methods, that would result in structurally and qualitatively similar antibodies and hybridomas. Therefore, the office has not supported its conclusion of restriction of the respective groups, and has not shown that it would be a serious burden to search and examine these groups together. In addition, the Examiner required restriction between the monoclonal antibodies and the respective antigens in Groups II and III, and restriction between the uses of the monoclonal

antibodies in Groups IV and V. As discussed above, the Claims 5-19, 26 and 29 all contain a recital directed to the preparation of monoclonal antibodies, including the use of an eukaryotic cell in a first state and in a second state carrying a neo-antigen or a non-self antigen (Claims 20-21 and 24-25 are directed to hybridomas that produce antibody having the same epitope specificity as antibody produced by hybridomas of the invention). Therefore, a search for the subject matter of the above claims for any one of these Groups, would also encompass a search of the subject matter of the claims in the other Groups. Thus, a search and examination of all the respective claims together would not impose a serious burden on the Examiner.

Applicants also submit that if the product claims are allowable, the process claims should be rejoined under MPEP § 821.04, if the process claims depend on, or include all the limitations of, the product claims.

The Examiner further required an election of species within Groups II –VI. As Applicants have elected, with traverse, Group I for examination in this application, the election of species requirement has been rendered moot.

Accordingly, for at least the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary, in order to sustain the requirement for restriction and election in the present application. Applicants respectfully request the withdrawal of the Restriction/Election Requirement.

Applicants respectfully submit that the present application is now in condition for examination on the merits, and early notice of such action is earnestly requested.

Respectfully submitted,

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